

REMARKS

This Second Preliminary Amendment is being filed in reply to the Notice of Incomplete Nonprovisional Application (the Notice) mailed from the U.S. Patent and Trademark Office on May 13, 2004, in order to delete any references to figures in the subject application. A Petition Under 37 C.F.R. §1.53(e)(2) is being filed concurrently herewith in order to request that the Notice be withdrawn and that the subject application be accorded the filing date of February 24, 2004. In the Petition Under 37 C.F.R. §1.53(e)(2), Applicants' Attorney states that drawings are not necessary for the understanding of the subject matter sought to be patented in the subject application.

This Second Preliminary Amendment is also being filed to include sequence identifiers referred to in the Sequence Listing being filed concurrently.

Finally, this Second Preliminary Amendment is being filed to include the relationship between the subject application and the priority application, U.S. Application No. 09/147,919, referenced in the related application paragraph of the subject application, in order to perfect the specific reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(3). Pursuant to the notice entitled "Claiming the Benefit of a Prior-Filed Application Under 35 U.S.C. §§ 119(e), 120, 121 and 365(c)," the "specific reference" must include (1) an indication of the prior application by application number, and (2) an indication of the relationship between the nonprovisional applications (1268 O.G. 89 (March 18, 2003)). An omission of the relationships is considered by the Patent Office to be a waiver, unless a Petition and surcharge are filed, and the application is amended to include the relationships (*Id.*, at 90-91). Accordingly, a Petition Under 37 C.F.R. § 1.78(a)(3) and the required surcharge are being filed concurrently.

Entry of this Second Preliminary Amendment is requested.

Sequence Listing

The Sequence Listing is being submitted to comply with 37 C.F.R. §§1.821 - 1.825. Transmitted herewith is a copy of the "Sequence Listing" (sheets 1/3 through 3/3, comprising SEQ ID NOS: 1-8) in paper form for the above-referenced patent application as required by 37 C.F.R. §1.821(c), and a copy of the "Sequence Listing" in computer readable form as required by 37 C.F.R. §1.821(e). Please insert the attached "Sequence Listing" into the application.

As required by 37 C.F.R. §1.821(f), Applicant's Attorney hereby states that the content of the "Sequence Listing" in paper form and the computer readable form of the "Sequence Listing" are the same and, as required by 37 C.F.R. §1.821(g), also states that the submission includes no new matter.

Request For Change of Docket Number and Corrected Filing Receipt

A Request For Change of Docket Number and Corrected Filing Receipt is being filed concurrently herewith.

Respectfully submitted,

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